

### Remarks

Claims 1-4, 8-14, 28 and 33-37 stand rejected as being unpatentable over WO 97/40124. The rejection is respectfully traversed. WO 97/40124 is the equivalent of U.S. Patent 6,156,721 ('721 Patent) and accordingly in the discussion that follows reference will be made to the '721 Patent.

Claim 1 has been amended such that the reference to sulfosuccinates and alkyl isethionates have been deleted from the list of detergent components comprising component (B). As thus amended, Claim 1 and claims dependent thereon is clearly patentable over the disclosure of the '721 Patent. Specifically, there is no mention in the '721 Patent of the use of acyllactylates, acylated protein condensates, acylglutamates.

In like manner, Claim 28 has been amended to delete as one of components (B) sulfosuccinates, alkyl isethionates and betaines. Once again, there is no disclosure or suggestion in the '721 Patent of the combination of a gemini surfactant of formula (A1) and the compounds which now form the Markush group of components (B).

It is respectfully submitted that Claims 1-4, 8-14, 28 and 33-37 are patentable over the '721 Patent (WO 97/40124).

Claims 1-4, 8-14, 28 and 33-37 stand rejected as obvious over *Bailley et al* ('416 Patent). The rejection is also respectfully traversed. As noted by the Examiner, the '416 Patent does not specifically teach a surfactant composition containing a gemini surfactant, one or more co-amphiphiles having an HLB value of less than 6 and the other requisite components of the composition in the specific proportions as recited in the claims. More specifically, as now amended, Claims 1 and 28 exclude surfactants such as alkyl sulfosuccinates, alkyl isethionates and betaines. As thus amended, Claims 1-4, 8-14, 28 and 33-37 are patentable over *Bailley et al*.

Claim 7 stands rejected as obvious over the '721 Patent as applied to Claims 1-4, 8-14, 28 and 33-37, further in view of *Dubif et al*. The rejection is respectfully traversed. As recognized by the Examiner, the '721 Patent does not teach the use of an anionic surfactant such as an acyl glutamate in addition to other components. The *Dubif et al* reference is directed to a cosmetic

composition having at least one anionic detergent surfactant, at least one non-ionic or amphoteric cosurfactant and other components to form a cosmetic composition. However, *Dubif et al* does not teach or suggest the use of a gemini surfactant. Given therefore that the '721 Patent does not teach the combination of a gemini surfactant with an ionic surfactant such as acylglutamate and the *Dubif et al* reference does not teach or suggest the use of a gemini surfactant, is respectfully submitted that the rejection of Claim 7 over those two references is improper. Insofar as the invention of Claim 7 is concerned, the two references merely stand as encyclopedias of numerous types of surfactants of all types with no suggestion to combine this specific anionic surfactant of *Dubif et al* with the gemini surfactant of the '721 Patent. Indeed, such a combination can only be arrived at by resort to Applicant's specification which, as the Examiner is doubtless aware, constituents a forbidden foray into hindsight analysis. It is respectfully submitted that Claim 7 is patentable over the '721 Patent in view of *Dubif et al*.

Claim 7 stands rejected as obvious over *Bailey et al* as applied to Claims 1-4, 8-14, 28 and 33-37 further in view of *Deguchi et al*. This rejection is also respectfully traversed. It is undisputed that *Bailey et al* does not disclose the use of an ionic surfactant such as an acylglutamate. It is further undisputed that *Deguchi et al* does not teach or suggest a gemini surfactant. The Examiner has buttressed the rejection on the basis that *Deguchi et al* teaches the equivalence of polyoxyethylene alkylsulfates and N-acyl glutamates, and that *Bailey et al* teaches the use of alkyoxylated sulphates. To begin with, Applicant takes issue with the Examiner's position that *Deguchi et al* teaches the equivalence of polyoxyethylene alkylsulfates and acyl glutamates. In column 4, lines 28 *et seq* of *Deguchi et al* both of those compounds are mentioned as optional components that may be added to the compositions of *Deguchi et al*. And while it is true that *Bailey et al* teaches the use of alkyoxylated sulphates, Applicants would respectfully disagree with the Examiner's conclusion that the *Bailey et al* reference can be modified to include the incorporation of a acyl glutamate without resorting to Applicant's disclosure. This is particularly true since *Deguchi et al* mentions the use of polyoxyethylene alkysulphates and acyl glutamates only as optional components and *Bailey et al*

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makes no mention of acyl glutamates or their equivalents *vis-a-vis* polyoxyethylene alkysulphates.

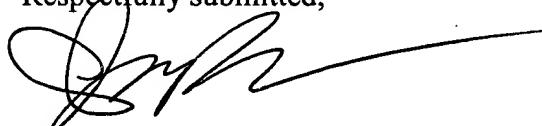
It is respectfully submitted that Claim 7 is patentable over *Bailey et al* in view of *Deguchi et al*.

As can be seen by the above, the primary references, i.e., the '721 Patent and *Bailey et al* fail to disclose the use of the specific components (B) now recited in Claims 1 and 28. The secondary references while referring to acyl glutamates, are directed to totally different compositions not employing any gemini surfactant. Accordingly, there is no way for the Examiner to arrive at a *prima facie* case of obviousness by combining the primary references with the secondary references without resort to Applicant's disclosure. The large (laundry list) of compounds which can be employed in the compositions of all of the references can hardly serve as a motivation to one of skill in the art to make the specific combinations called for in Applicant's claims. It is respectfully submitted that all claims under consideration are patentable over the art of record.

Applicant notes the provisional double patenting rejection but respectfully requests that the filing of a terminal disclaimer to obviate that reaction be held in advance pending an indication that the claims are otherwise patentable over the applied art.

In view of the foregoing amendments and remarks, it is respectfully submitted that all pending claims are in condition for allowance which is hereby earnestly solicited and respectfully requested.

Respectfully submitted,



C. James Bushman

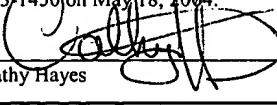
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